

REMARKS

Claims 1-14 are all the claims pending in the application.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 5, 6, 10 11 and 13 under § 103(a) as being unpatentable over Dureau et al. (US 6,118,472) in view of Gerszberg et al. (US 2002/0012353). Applicant traverses this rejection for the reasons set forth below.

The Examiner alleges that Dureau teaches or suggests most of the features recited in claim 1, but concedes that Dureau fails to teach or suggest wherein the data is entered using a telephone. (*Office Action*, p. 4). To compensate for this deficiency, the Examiner applies Gerszberg alleging that it teaches or suggests “incorporating telephone functionality into a remote control (see fig. 17), for the benefit of enhancing a user’s remote control to include telephone functionality.” (*Office Action*, p. 4). However, Applicant respectfully submits that even if combined as suggested by the Examiner, the suggested combination fails to teach or suggest all the features as arranged in claim 1. In particular, even if Dureau could be modified by Gerszberg to provide telephone functionality in a remote control to enhance the remote control, the suggested combination fails to teach or suggest entering the data using a telephone, wherein the data is sent to the provider’s server via a telephone station, as recited in claim 1.

Specifically, the data entered using the telephone must also be data that complies with the following features recited in claim. Accordingly, Gerszberg must teach entering data which meets the following features:

- (1) “said data indicating an operation desired by a user;”

(2) “receiving the data, using said provider’s server, carrying out the operation desired by the user based on the data,”

(3) “generating display data showing the result of the operation,”

(4) radio-receiving the display data from said broadcasting station, using a television set;”
and

(5) wherein the data is sent to the provider’s server via a telephone station.

However, Applicant submits that Gerszberg fails to teach or suggest entering any data meeting these features. Rather, Gerszberg merely teaches of providing a handset 200 with telephone functionality. No portion of Gerszberg even remotely teaches or suggests entering into the handset 200, when used as a phone, any data other than conventional telephone data: Certainly not any data meeting the features of claim 1. To the contrary, Gerszberg teaches of using the handset 200 either as telephone or as a remote. (par. [0086]). Moreover, Gerszberg refers to the telephone functions as merely ancillary cordless telephone functions. (*Office Action*, par. [0086]). While the telephone may also function as a videophone having video and audio components (par. [0087]), there is no teaching or suggestion that when functioning as a telephone that any data, other than conventional telephone data, could be entered into the handset 200. Accordingly, Gerszberg fails to teach or suggest entering any data into the handset 200 when used as a telephone, which results in: (1) receiving the data, using the provider’s server, and carrying out the operation desired by the user based on the data; (2) generating display data showing the result of the operation; and (3) radio-receiving the display data from said broadcasting station, using a television set.

In the Advisory Action of February 8, 2007, the Examiner contends that “the features upon which applicant relies (i.e. sending data through a device that is functioning as a telephone) are not recited in the rejected claims. (*Advisory Action*, p. 2). However, Applicant respectfully submits that this feature is recited in claim 1 as presently presented. Accordingly, Applicant respectfully submits that the Gerszberg/Dureau combination fails to teach or suggest entering the unique combination data recited in claim 1 and sending this data to the provider’s server via a telephone station.

Thus, because Gerszberg fails to teach or suggest entering on a telephone anything but conventional telephone data (i.e., telephone numbers, audio and visual data), the suggested combination of Dureau and Gerszberg fails to teach or suggest all the features of claim 1.

Therefore, Applicant respectfully submits that claim 1 is allowable over the applied combination. Additionally, Applicant submits that claims 5 and 11 are allowable at least because of their dependency from claim 1.

With regard to claim 6, because this claim recites features similar to those argued above with regard to claim 1, Applicant submits that claim 6 is allowable, at least for the same reasons set forth above. Furthermore, Applicant submits that claims 10 and 13 are allowable at least because of their dependency from claim 6.

Claim Rejections - Claims 2, 3, 7 and 8

Claims 2, 3, 7 and 8 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claims 1 and 6, and in further view of Shimomura et al. (US 6,526,590; “Shimomura”).

Applicant respectfully submits that because Shimomura, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 2, 3, 7 and 8 are allowable, at least because of their dependency.

Claim Rejections - 35 U.S.C. § 103(a) - Claims 4, 9, 12 and 14

Claims 4, 8, 12 and 14 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claim 1 and 6, and in further view of Majeti et al. (US 5,534,913; “Majeti”).

Applicant respectfully submits that because Majeti, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 4, 8, 12 and 14 are allowable, at least because of their dependency. In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

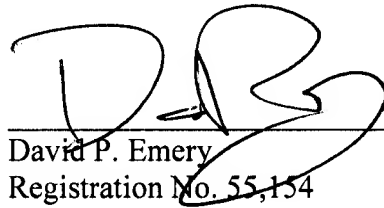
If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 09/828,165

Attorney Docket No.: Q63951

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David P. Emery
Registration No. 55,154

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 28, 2007